IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 3603 of 2007(D)

PETITIONER:

SUNIL KUMAR.T.P., THIRUVANCHYIL,
PERUNTHIRUTHI P.O., THIRUVALLA.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:
---

1. SUPERINTENDENT OF POLICE, PATHANAMTHITTA.

2. SUB INSPECTOR OF POLICE, THIRUVALLA.

3. CITU, THIRUVALLA TALUK COMMITTEE,REPRESENTED BY ITS SECRETARY, CITU OFFICE, THIRUVALLA.

4. INTUC, THIRUVALLA TALUK COMMITTEE,
REPRESENTED BY ITS SECRETARY,
INTUC OFFICE, THIRUVALLA.

5. BMS, THIRUVALLA TALUK COMMITTEE,
REPRESENTED BY ITS SECRETARY,
BMS OFFICE, THIRUVALLA.

6. AITUC, THIRUVALLA TALUK COMMITTEE,
REPRESENTED BY ITS SECRETARY,
AITUC OFFICE, THIRUVALLA.

7. SANTHAPPAN, VAZHEPARAMBIL,
PERUNTHIRUTHI P.O., THIRUVALLA.

8. VIJAYAN, ARYATHUPARAMBIL,
PERUNTHIRUTHI P.O., THIRUVALLA.

9. BABU, KANIYATTUPARAMBIL,
PERUNTHIRUTHI P.O., THIRUVALLA.

10. KUNJUTTY, KOCHUPARAMBIL, PERUNTHURUTHI P.O.,
THIRUVALLA.

R1 & R2 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.3603/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE TITLE DEED DATED 6/12/2004.

EXT.P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FATHER OF THE PETITIONER BEFORE THE MINISTER OF LABOUR DATED 6/6/2005.

EXT.P3: TRUE COPY OF THE CERTIFICATE OF POSTING RECEIPTS DATED 9/6/2005.

EXT.P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE DATED 30/01/2007.

EXT.P5: TRUE COPY OF THE PHOTOGRAPHS.

RESPONDENTS' EXHIBITS:

EXT.R3(A): A TRUE COPY OF THE GAZETTE NOTIFICATION DATED 25.5.2006.

EXT.R3(B): A TRUE COPY OF THE WAGE SCHEDULE NOTIFIED BY THE KERALA HEAD LOAD WORKERS' WELFARE BOARD, THIRUVALLA SUB OFFICE DATED 01.02.2006.

EXT.R3(C1): A TRUE COPY OF THE RECEIPT DATED 8.1.2007.

EXT.R3(C2): A TRUE COPY OF THE RECEIPT DATED 20.01.2007.

EXT.R3(D): A TRUE COP7Y OF THE FIR IN CRIME NO.69/07.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.3603 OF 2007

Dated 19th February, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. According to the petitioner, he is constructing a residential building behind a shop room and unions are creating problems for him demanding work. Obligation to employ registered workers under the Headload Workers' Act is only for loading and unloading work and not for construction activities. Therefore, petitioner is free to employ his own workers in the construction of the building whether it is commercial or residential. But, such workers can also demand only the charges fixed for the area. Being a scheme covered area, usually, the registered workers will have to be employed for loading and unloading work of a commercial building. However, if the loading and unloading work is for construction of his residential building, police shall give adequate protection so that the petitioner can employ his own workmen for doing the work.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

tks